

Serial No. 09/745,785

### REMARKS

After the foregoing amendment, claims 1-8, as amended, are pending in the application. Claims 1 and 7 have been amended to more particularly point out and distinctly claim that which the Applicants regard as the invention. Applicants submit that no new matter has been added to the application by the amendment.

#### Rejections Under 35 USC § 112

The Examiner has rejected claims 1-8 under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants respectfully traverse this rejection in view of the foregoing amendments.

Claim 1 has been amended in accordance with the Examiner's suggestions offered in the Examiner Interview with David Sasso conducted on March 1, 2005. Specifically, claim 1 has been amended to recite "generating a phase and amplitude encoded clock signal using at least one input optical signal and a clock signal". As discussed with the Examiner, the foregoing amendment provides the necessary clarification to overcome the rejection under 35 USC § 112. Accordingly, Applicants respectfully request that the rejection under 35 USC § 112 be withdrawn.

#### Rejections Under 35 USC § 102

Claims 1, 7 and 8 have been rejected under 35 USC § 102 (e) as being anticipated by Joyner et al. (U.S. Patent 6,437,905). Claim 1 has been amended as recommended by the Examiner to specifically recite "wherein the use of the clock signal allows retiming of the at least one input optical signal". As agreed to by the Examiner during the Examiner interview, this amendment is sufficient to distinguish the claimed invention over the cited prior art. Specifically, as discussed with the Examiner, the Joyner et al. reference does not teach or

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suggest the use of a clock signal to allow retiming the at least one input optical signal. Accordingly, Applicants respectfully request that the rejection of claim 1 (and dependent claims 7 and 8) under 35 USC § 102 (e) be withdrawn.

Allowable Subject Matter

Applicants note with appreciation the Examiner's indication that claims 2-6 contain allowable subject matter. In view of the foregoing amendments and discussions with the Examiner regarding the allowability of claim 1, Applicants submit that it is now unnecessary to rewrite claims 2-6 in independent form since claim 1, as amended, is now in condition for allowance.

Conclusion

In view of the foregoing amendments and remarks, Applicants submit that claims 1-8 are in condition for allowance. Early notification of allowability is therefore earnestly solicited.

If there are any outstanding issues which the Examiner feels may be resolved by way of a telephone conference, the Examiner is cordially invited to contact the undersigned to resolve the issues.

Respectfully,

By

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3/1/05

Certification of Facsimile Transmission

I hereby certify that this correspondence (and any paper referred to as being transmitted therewith) is being facsimile transmitted to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 on the date indicated below:

March 1, 2005

Sharon Lobosco